

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
Cor. SW/S Joppa Rd. and NW/S
of Charles Street Avenue
647 Charles Street Avenue
9th Election District
4th Councilmanic District
Joseph F. Cox, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-319-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Joseph F. Cox and Evelyn M. Dacosta, for that property known as 647 Charles Street Avenue, in the Chestnut Hill Subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow an existing front building face setback to street right-of-way of 19 ft., in lieu of the required 30 ft., and a proposed rear building face setback to property line of 7 ft., in lieu of the required 30 ft., for an addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

COPIES OF THIS FINDING
4/26/95
By *M. Howard*

WILSON

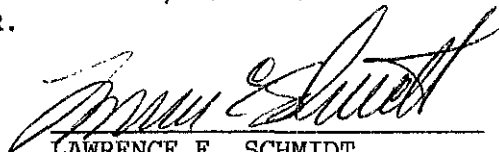
submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of April, 1995 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow an existing front building face setback to street right of way of 19 ft., in lieu of the required 30 ft., and a proposed rear building face setback to property line of 7 ft., in lieu of the required 30 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The structure and addition to same on the subject property shall be limited to residential uses and shall not be used for office/commercial uses as limited by the BCZR.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 25, 1995

Mr. Joseph F. Cox
Ms. Evelyn M. Dacosta
647 Charles Street Avenue
Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance
Case No. 95-319-A
Property: 647 Charles Street Avenue

Dear Mr. Cox and Ms. Dacosta:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

95-319-A

to the Zoning Commissioner of Baltimore County

for the property located at

647 Charles Street Avenue, Towson

which is presently zoned

DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1. BCZR, to allow an existing front building face setback to street right of way of 19-feet in lieu of the required 30-feet, and a proposed rear building face setback to property line of 7-feet in lieu of the required 30-feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

This home is part of a subdivision platted in 1946 without Planning Commission approvals. Hence, BCZR state that changes must comply with today's standards. Compliance with a 30-foot rear setback would make building of this addition impossible within the constraints of the lot size. It would also be visually incompatible with the dwelling architecture and character of the surrounding neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name) Joseph F. Cox

Signature

Signature

Address

(Type or Print Name) Evelyn M. Dacosta

City

State

Zipcode

Signature

Attorney for Petitioner:

647 Charles Street Avenue 828-7344

Address

Phone No.

(Type or Print Name)

Towson, MD 21204

City

State

Zipcode

Signature

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Address

Phone No.

Joseph F. Cox

Name

City

State

Zipcode

Same

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

MICROFILMED

REVIEWED BY: WFDK DATE: 3/15/95

ITEM #: 318

ESTIMATED POSTING DATE: 3/26/95



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 647 Charles Street Avenue

address

Towson, MD 21204

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

The existing dwelling is a part of a subdivision recorded in 1946 and not approved by the Planning Commission. Existing setbacks reflect plat restrictions and neighborhood character, but because the plat was not signed by the Planning Commission, compliance with today's standards is required.

The existing rear building setback is 11'+/- . The proposed addition will have a setback of approximately 7'. This will allow the addition to work with the existing dwelling architecture (door openings, etc.) while not significantly changing the rear setback that exists. The addition is necessary to provide much needed living space for a growing family.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
(signature)

Joseph F. Cox

(type or print name)



[Signature]
(signature)

Evelyn M. Dacosta

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of March, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph F. Cox and Evelyn M. Dacosta

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

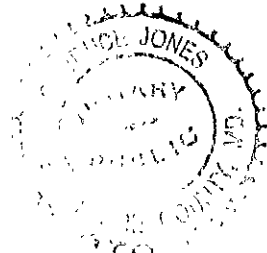
March 9 1995
date

NOTARY PUBLIC

E. BRUCE JONES

My Commission Expires:

June 7 1998



318

95-319-A

Description

To Accompany Petition for Zoning Variance

0.248 Acre Parcel

Joseph F. Cox and Evelyn M. Dacosta Property

Southwest Side of Joppa Road

Northwest Side of Charles Street Avenue

Ninth Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the Southwest side of Joppa Road, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Charles Street Avenue with the centerline of Joppa Road (1) Northwesterly along said centerline of Joppa Road 87 feet, more or less, and thence (2) Southwesterly 28 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on the Southwest side of Joppa Road the two following courses and distances, viz: (1) South 65 degrees 12 minutes 00 seconds East 45.95 feet, and thence (2) Southeasterly by a curve to the right with a radius of 20.00 feet for a distance of 27.05 feet (the arc of said curve being subtended by a chord bearing South 26 degrees 27 minutes 30 seconds East 25.03 feet) to the northwest side of Charles Street Avenue, thence running and binding on said side of Charles Street Avenue (3) South 12 degrees 17 minutes 00 seconds West 127.36 feet, thence leaving Charles Street Avenue and running the two following courses and distances, viz: (4) North 65 degrees 12 minutes 00 seconds West 93.08 feet, and thence (5) North 24 degrees 48 minutes 00 seconds East 140.00 feet to the point of beginning; containing 0.248 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 28, 1995

Project No. 95006 (L95006)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-319-A

District 9th Date of Posting 3/14/95

Posted for: Variance

Petitioner: Joseph & Evelyn DeCosta

Location of property: 1047 Charles St. Ave.

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by M. Steady Date of return: 3/31/95

Signature

Number of Signs: 1





Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-319-A

Account: R-001-6150

Number

Date 3/15/95

Item: 318
Taken In: MFK
By

Cox, Joseph F. — 647 Charles St.

010 - zoning var. (IRL) — \$ 50.00

050 - 1 sign posting — \$ 35.00

Total — \$ 85.00

RECEIVED

01AD140057MCHRC
02-03-95 404600 15-95

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 318

Petitioner: Joseph Cox

Location: 647 Charles Street Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph Cox

ADDRESS: 647 Charles Street Avenue

Towson, MD 21204

PHONE NUMBER: 828-7344

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 23, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-319-A (Item 318)
647 Charles Street Avenue
corner SW/S Joppa Road and NW/S Charles Street Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Joseph F. Cox and Evelyn M. Dacosta

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before March 26, 1995. The closing date (April 10, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph F. Cox



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 3, 1995

Mr. Joseph F. Cox
647 Charles Street Avenue
Towson, Maryland 21204

RE: Item No.: 318
Case No.: 95-319-A
Petitioner: Joseph Cox

Dear Mr. Cox:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 15, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 27, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

0. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 314, 315, 316, 317,
318, 319 AND 320. 5

RECEIVED

MAR 24 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 807-4881, MS-110CF

cc: File





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-24-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 318 (MTK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: *pub* Arnold Jablon, Director DATE: April 3, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 3, 1995
Items 314, 315, 316, 317, 318, 319, and 320

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4/3/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/27/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 314
315
316
317
(318)


LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: April 4, 1995

SUBJECT: 647 Charles Street Avenue

INFORMATION:

Item Number: 318
Petitioner: Joseph F. Cox & Evelyn M. Dacosta
Property Size: _____
Zoning: DR-3.5
Requested Action: Administrative Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicants request a Variance to allow an existing front building face setback to street right-of-way of 19' in lieu of the required 30', and a proposed rear building face setback to property line of 7' in lieu of the required 30'.

While staff does not oppose the applicant's request, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Keene

PK/JL

I reviewed this
file, no statement
of practical difficulty at
all, no letters from
neighbors, no pictures,
I called Peds to discuss,
828-7344 is a Towson #,
I got a machine "This
is the office of Benchmark
Commercial Property"-
Is this for the site? -
if so it's not a residential
property, over occupied

Set in For Hearing

JS

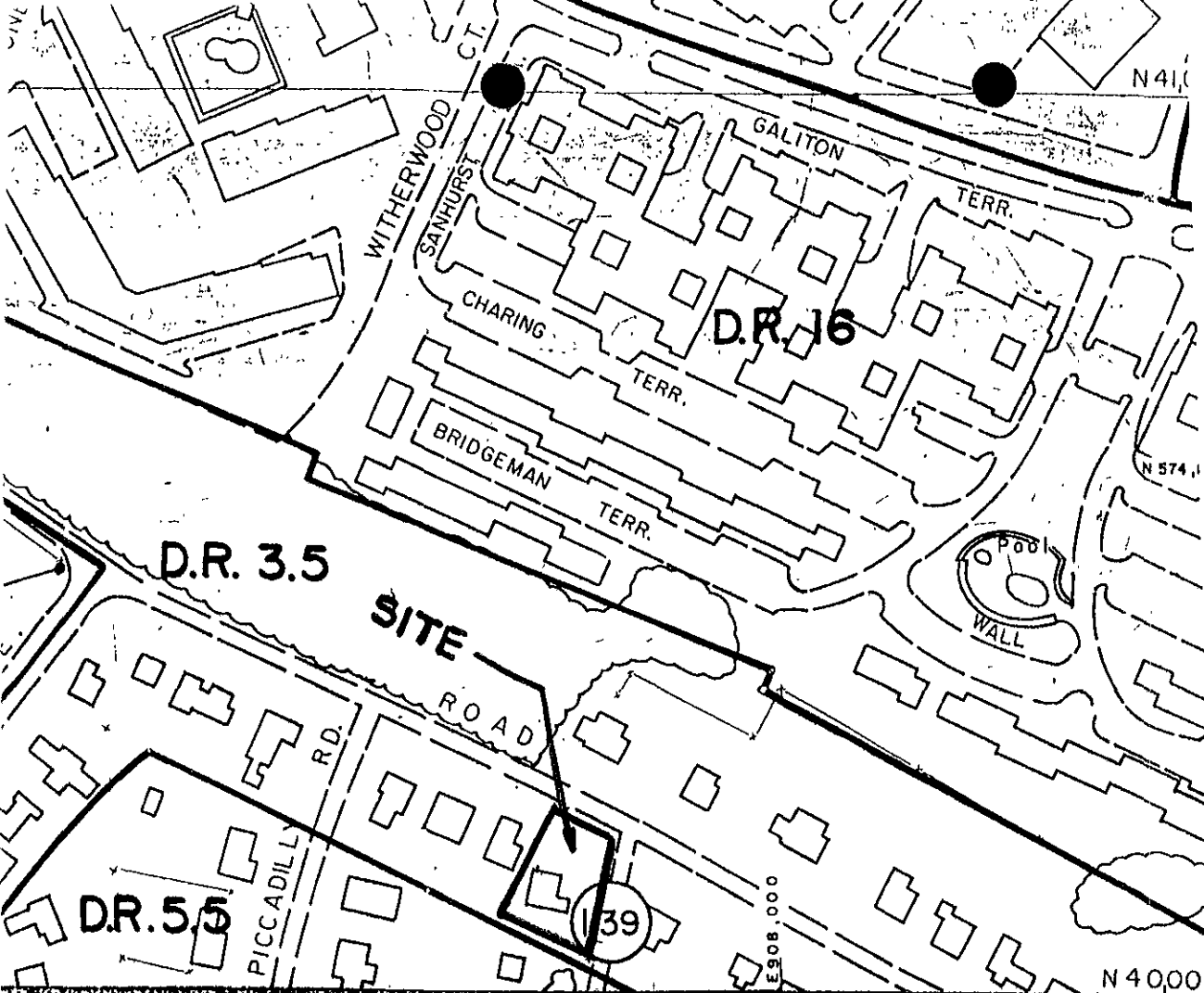
4/17/95

4/25/95

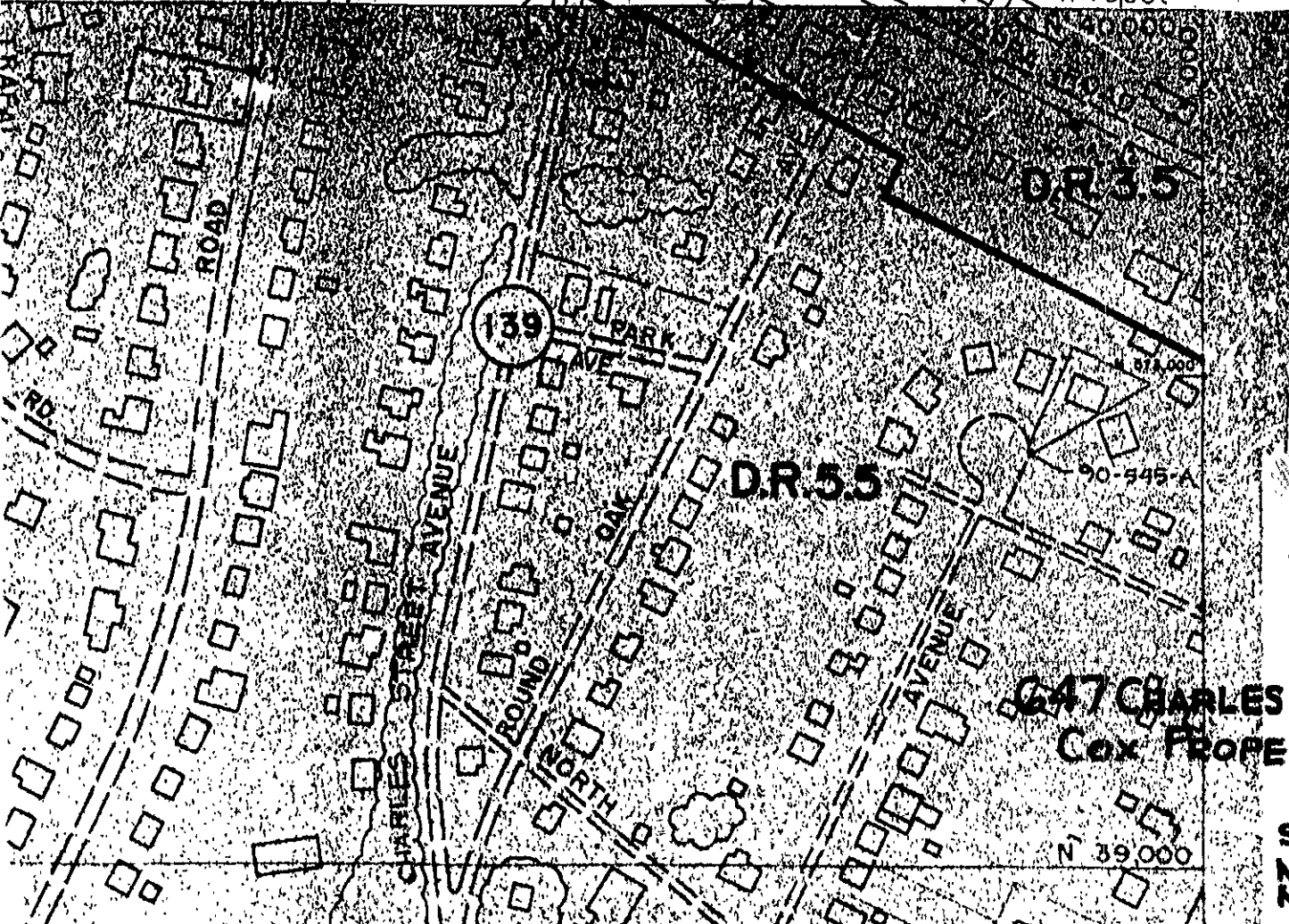
Mr Cox called, I told
him size of addition
was a concern, He said this
was for residential purposes
I also note that although
the addition increases the size of the
bldg, it does not affect the variances
such as the 19 ft front yard setback
is existing, the rear yard
is being changed from 11.81 to 7 feet

OK to grant

JEB



95-319-A

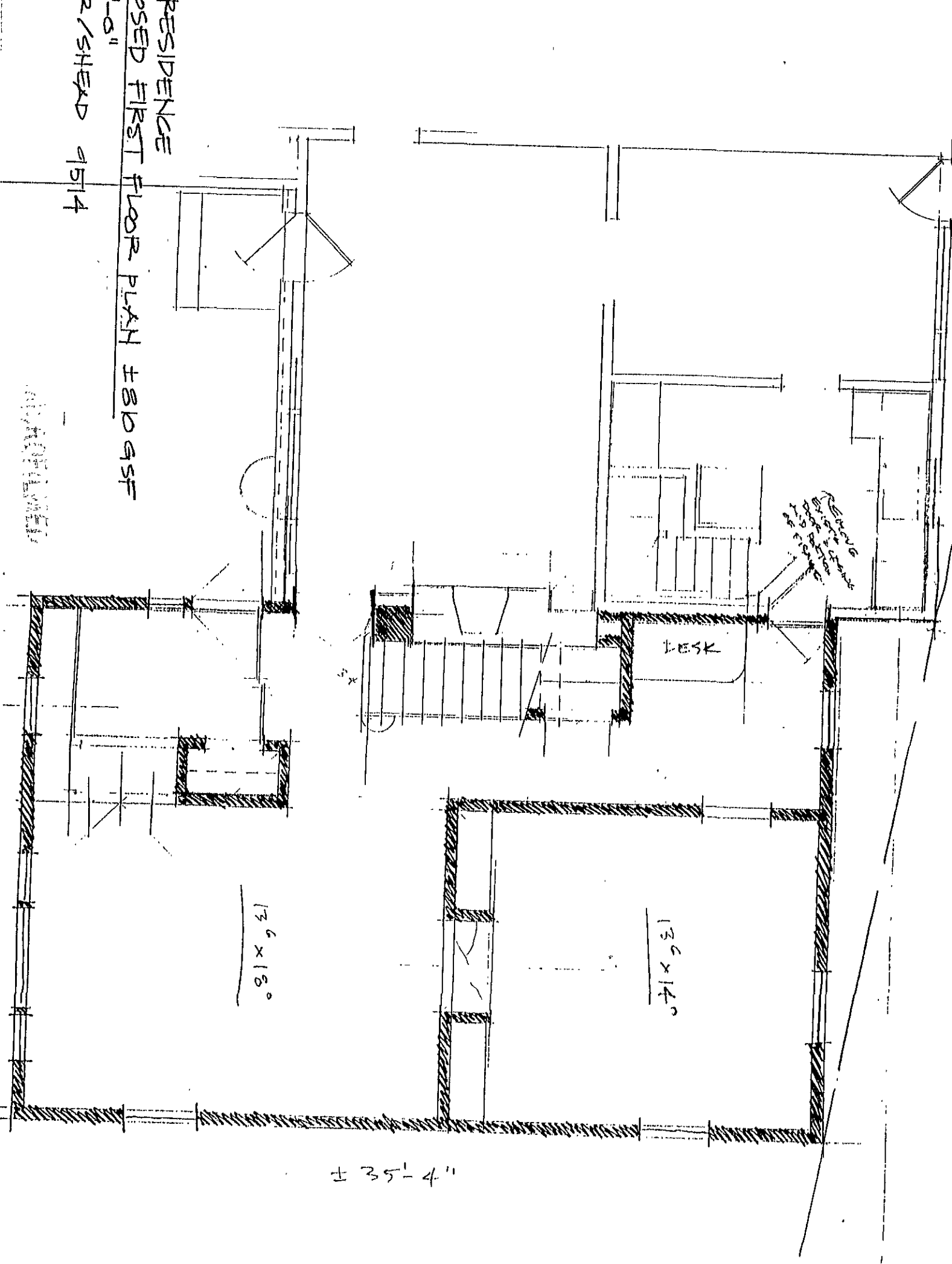


#318

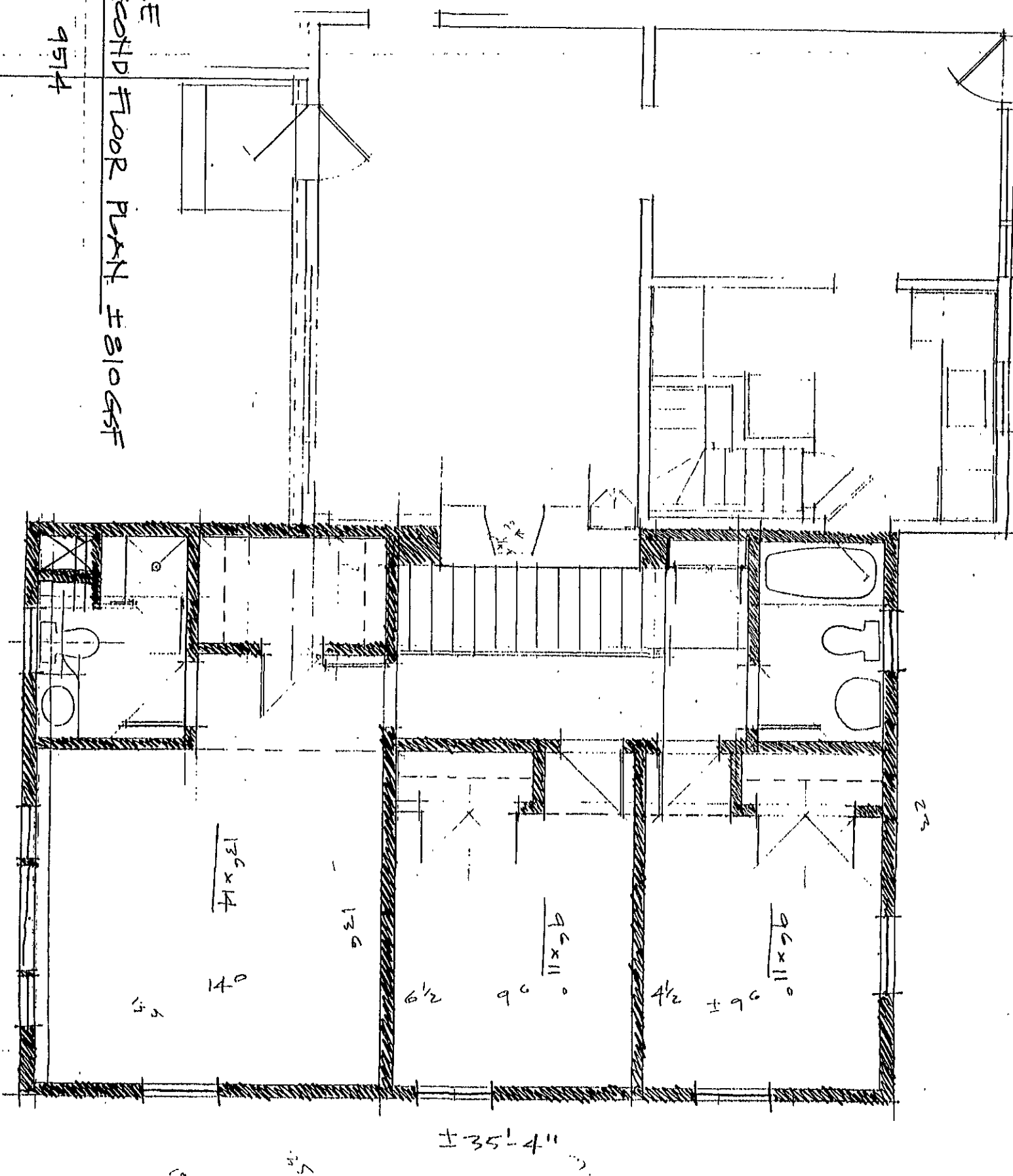
647 CHARLES STREET
COX PROPERTY

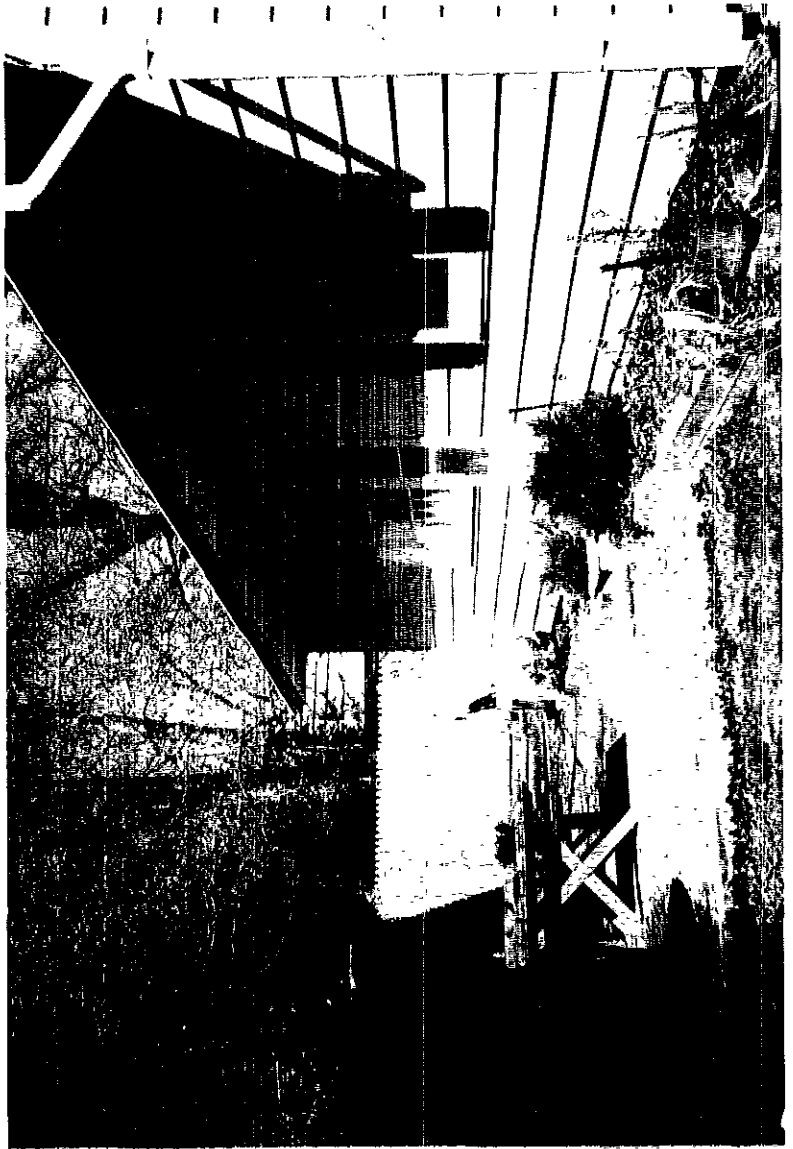
SHEETS
NW 10A
NW 1A

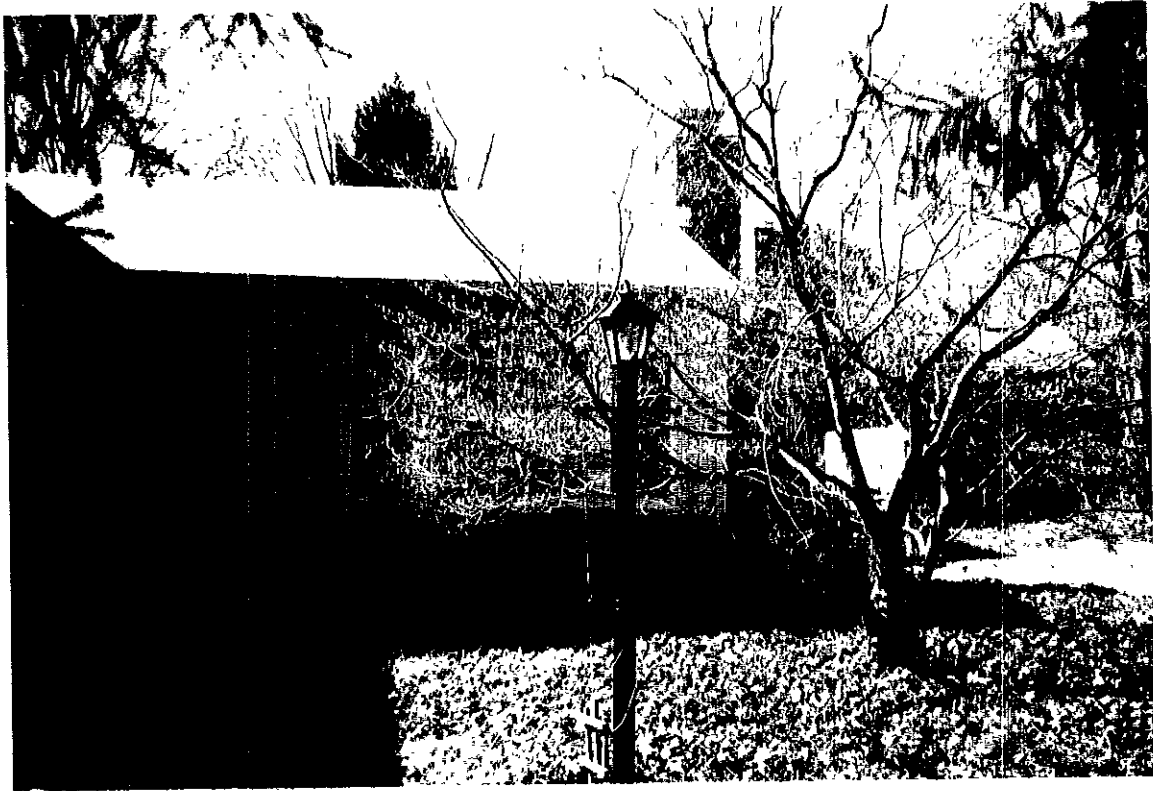
COX RESIDENCE
 PROPOSED FIRST FLOOR PLAN ± 809 SF
 1/4" = 1'-0"
 2146R / SHELD 9514

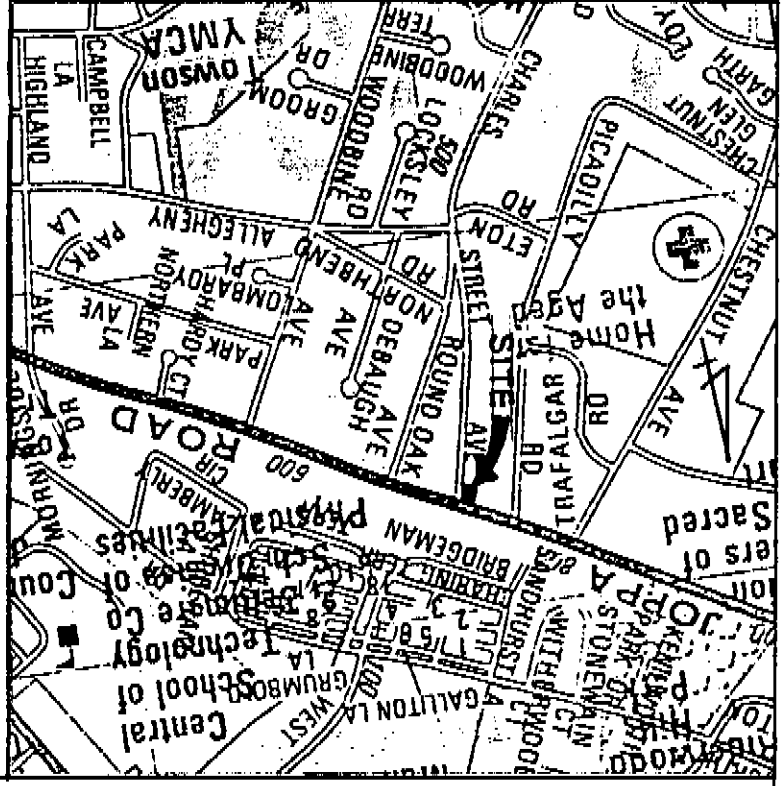


COX RESIDENCE
 PROPOSED SECOND FLOOR PLAN ± 810 GSF
 1/4" = 1'-0"
 2165R/SHEAD 9574





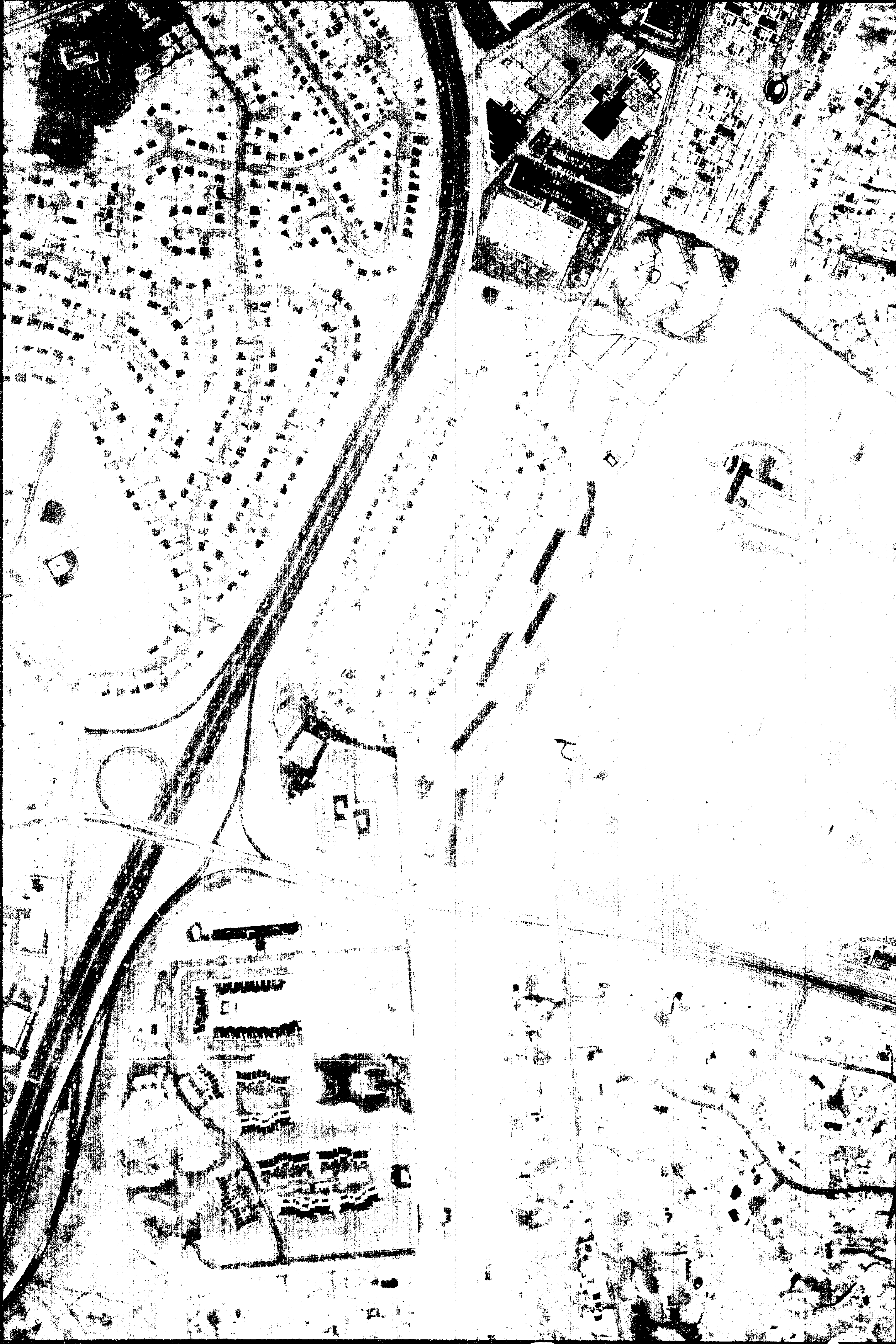




DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4705

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
Subdivision Name: Chestnut Hill
Plat Book: JWB.14, folio 117, lot # 24
1" = 200 Scale Map: NW10A & NW11A
Proj. No.: 95006
Date: March 7, 1995
Scale: 1" = 20'

General Notes
1. Owner: Joseph F. Cox and Evelyn M. Decosta
647 Charles St. Ave.
Towson, MD 21204
(410) 828-7344
0218
2. Election District 9, Comptonic District 4
3. Site Data:
Current Zoning and Acreage:
Net = 0.25 Acres ± OR 3.5 (10,803 SF±)
Gross = 0.35 Acres ± OR 3.5 (incl. half of Joppa Rd. & Chas. St. Ave R/Ws)
Use:
Existing = 2 Story Single Family Dwelling
Proposed = 2 Story Single Family Dwelling with 30 x 25' two story addition
Zoning Relief Requested:
Variance from Sec. 1802.3.C.1, BC25 to allow a 7-foot rear building line to rear property line setback in lieu of the required 30-foot setback, and to allow the existing 10-foot front building line to street right-of-way line setback in lieu of the required 30-foot setback.



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE

1" = 200' ±

LOCATION

647 CHARLES STREET AVE.
Cox PROPERTY

SHEET

N.W.

J1-A

TOWSON

DATE

OF

PHOTOGRAPHY

JANUARY

1966

PREPARED BY AIR PHOTOGRAPHICS, INC.

MARTINSBURG, W.V. 25401

MICROFILMED

#318

95-319-A

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
Cor. SW/S Joppe Rd. and NW/S of Charles Street Avenue
647 Charles Street Avenue
9th Election District
4th Councilmanic District
Joseph F. Cox, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-319-A
*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Joseph F. Cox and Evelyn M. Dacosta, for that property known as 647 Charles Street Avenue, in the Chestnut Hill Subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow an existing front building face setback to street right-of-way of 19 ft., in lieu of the required 30 ft., and a proposed rear building face setback to property line of 7 ft., in lieu of the required 30 ft., for an addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of April, 1995 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow an existing front building face setback to street right of way of 19 ft., in lieu of the required 30 ft., and a proposed rear building face setback to property line of 7 ft., in lieu of the required 30 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The structure and addition to same on the subject property shall be limited to residential uses and shall not be used for office/commercial uses as limited by the BCZR.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 25, 1995

Mr. Joseph F. Cox
Ms. Evelyn M. Dacosta
647 Charles Street Avenue
Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance
Case No. 95-319-A
Property: 647 Charles Street Avenue

Dear Mr. Cox and Ms. Dacosta:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 647 Charles Street Avenue, Towson
which is presently zoned DR 3-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1. BCZR, to allow an existing front building face setback to street right of way of 19-feet in lieu of the required 30-feet, and a proposed rear building face setback to property line of 7 -feet in lieu of the required 30-feet. of the Zoning Regulations of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
This home is part of a subdivision platted in 1946 without Planning Commission approvals. Hence, BCZR state that changes must comply with today's standards. Compliance with a 30-foot rear setback would make building of this addition impossible within the constraints of the lot size. It would also be visually incompatible with the dwelling architecture and character of the surrounding neighborhood.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/License: _____
Type or Print Name: _____
Signature: _____
Address: _____
City: _____ State: _____
Attorney for Petitioner: _____
Type or Print Name: _____
Signature: _____
Address: _____ Phone No: _____
City: _____ State: _____
Legal Owner(s):
Type or Print Name: Joseph F. Cox
Signature: *Joseph F. Cox*
Type or Print Name: Evelyn M. Dacosta
Signature: *Evelyn M. Dacosta*
Address: 647 Charles Street Avenue 828-7344
Towson, MD 21204
Name, Address and phone number of legal owner, owner's partner or representative to be contacted:
Joseph F. Cox
Same
Same

A Public Hearing notice shall be required and posted to be reviewed, it is intended on the Zoning Commissioner of Baltimore County, the _____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, conducted, or reviewed by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reviewed.

REVIEWED BY: *LES* DATE: 3/2/95
ESTIMATED POSTING DATE: 3/2/95
Zoning Commissioner of Baltimore County
ITEM # 318

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/are presently reside at 647 Charles Street Avenue
Towson, MD 21204
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The existing dwelling is a part of a subdivision recorded in 1946 and not approved by the Planning Commission. Existing setbacks reflect plat restrictions and neighborhood character, but because the plat was not signed by the Planning Commission, compliance with today's standards is required.

The existing rear building setback is 11' +/- . The proposed addition will have a setback of approximately 7'. This will allow the addition to work with the existing dwelling architecture (door openings, etc.) while not significantly changing the rear setback that exists. The addition is necessary to provide much needed living space for a growing family. That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a responding and advertising fee and may be required to provide additional information.

Joseph F. Cox
Joseph F. Cox
Type or print name
Evelyn M. Dacosta
Evelyn M. Dacosta
Type or print name

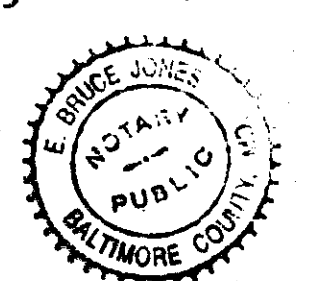
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 9th day of March, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Joseph F. Cox Evelyn M. Dacosta

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Mark 9 1995

NOTARY PUBLIC
E. BRUCE JONES
My Commission Expires: 3-1-1998



Description 95-319-A
To Accompany Petition for Zoning Variance
0.248 Acre Parcel
Joseph F. Cox and Evelyn M. Dacosta Property
Southwest Side of Joppe Road
Northwest Side of Charles Street Avenue
Ninth Election District, Baltimore County, Maryland



Dill-McCune-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same on the Southwest side of Joppe Road, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Charles Street Avenue with the centerline of Joppe Road (1) Northwesterly along said centerline of Joppe Road 87 feet, more or less, and thence (2) Southwesterly 28 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on the Southwest side of Joppe Road the two following courses and distances, viz: (1) South 65 degrees 12 minutes 00 seconds East 45.95 feet, and thence (2) Southeasterly by a curve to the right with a radius of 20.00 feet for a distance of 27.05 feet (the arc of said curve being subtended by a chord bearing South 26 degrees 27 minutes 30 seconds East 25.03 feet) to the northwest side of Charles Street Avenue, thence running and binding on said side of Charles Street Avenue (3) South 12 degrees 17 minutes 00 seconds West 127.36 feet, thence leaving Charles Street Avenue and running the two following courses and distances, viz: (4) North 65 degrees 12 minutes 00 seconds West 93.08 feet, and thence (5) North 24 degrees 48 minutes 00 seconds East 140.00 feet to the point of beginning; containing 0.248 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES

ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

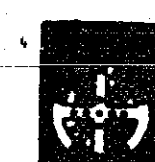
February 28, 1995

Project No. 95006 (L95006)



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 7/14/95
Posted for: 14 days
Petitioner: Joseph F. Cox and Evelyn M. Dacosta
Location of property: 647 Charles St. Ave.
Location of Signs: 647 Charles St. Ave. & Joppe Rd.
Remarks:
Posted by: *LES* Date of return: 7/14/95
Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
131 West Liberty Avenue
Towson, Maryland 21204

receipt
95-319-A

Account: R-001-0180

Date: 3/15/95

Number:

IR: 318

Tel. In: 296

13

Cox, Joseph F. - 647 Charles St.
010 - zoning var (IHL) - \$ 50.00
050 - 15 min. posting - \$ 30.00
Total - \$ 85.00

01401N0057MCHRC

Please Make Checks Payable To Baltimore County

\$25.00

Consideration:



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 318
Petitioner: Joseph Cox
Location: 647 Charles Street Avenue
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Joseph Cox
ADDRESS: 647 Charles Street Avenue
Towson, MD 21204
PHONE NUMBER: 828-7344

Al: ggs

(Revised 04/09/93)



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 23, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-319-A (Item 318)
647 Charles Street Avenue
corner 94/9 Joppa Road and NW/5 Charles Street Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Joseph F. Cox and Evelyn M. Decosta

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before March 26, 1995. The closing date (April 10, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

cc: Joseph F. Cox

Printed with Soybean Ink
on Recycled Paper



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 3, 1995

Mr. Joseph F. Cox
647 Charles Street Avenue
Towson, Maryland 21204

RE: Item No.: 318
Case No.: 95-319-A
Petitioner: Joseph Cox

Dear Mr. Cox:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 15, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAR. 27, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 314, 315, 316, 317, 318, 319 AND 320. *5*

RECEIVED
MAR 24 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4681, MS-1105F

cc: File

Printed on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 318 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE**

TO: ZADM
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 3/27/95

DATE: 4/3/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 314
315
316
317
318

LS:sp

LETTY2/DEPRM/TXTSBP

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning
DATE: April 4, 1995
SUBJECT: 647 Charles Street Avenue

INFORMATION:

Item Number: 318
Petitioner: Joseph F. Cox & Evelyn M. Decosta
Property Size: _____
Zoning: DR-3.5
Requested Action: Administrative Variance
Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:

The applicants request a Variance to allow an existing front building face setback to street right-of-way of 19' in lieu of the required 30', and a proposed rear building face setback to property line of 7' in lieu of the required 30'.

While staff does not oppose the applicant's request, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variance.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol K. Keane*

PK/JL

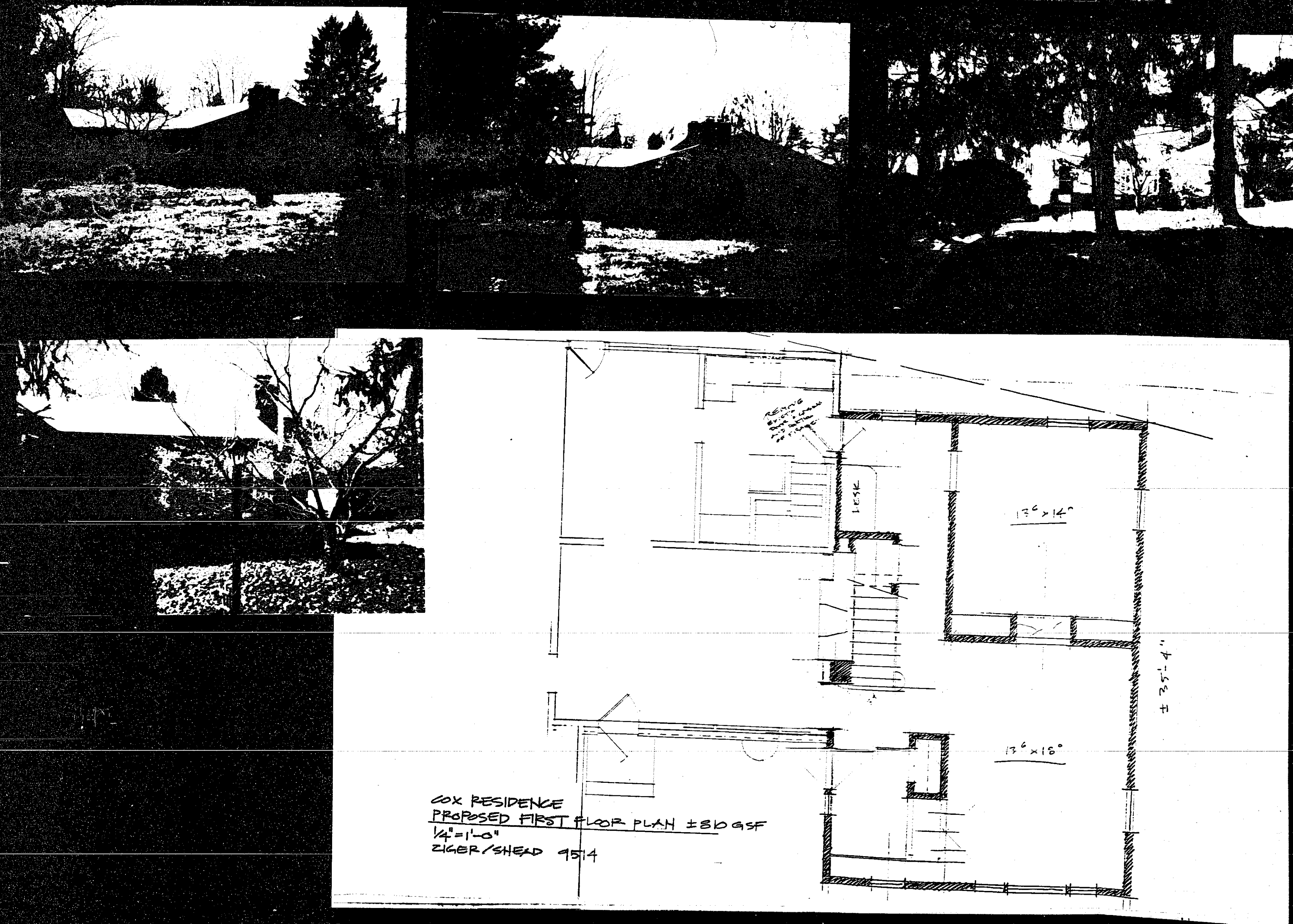
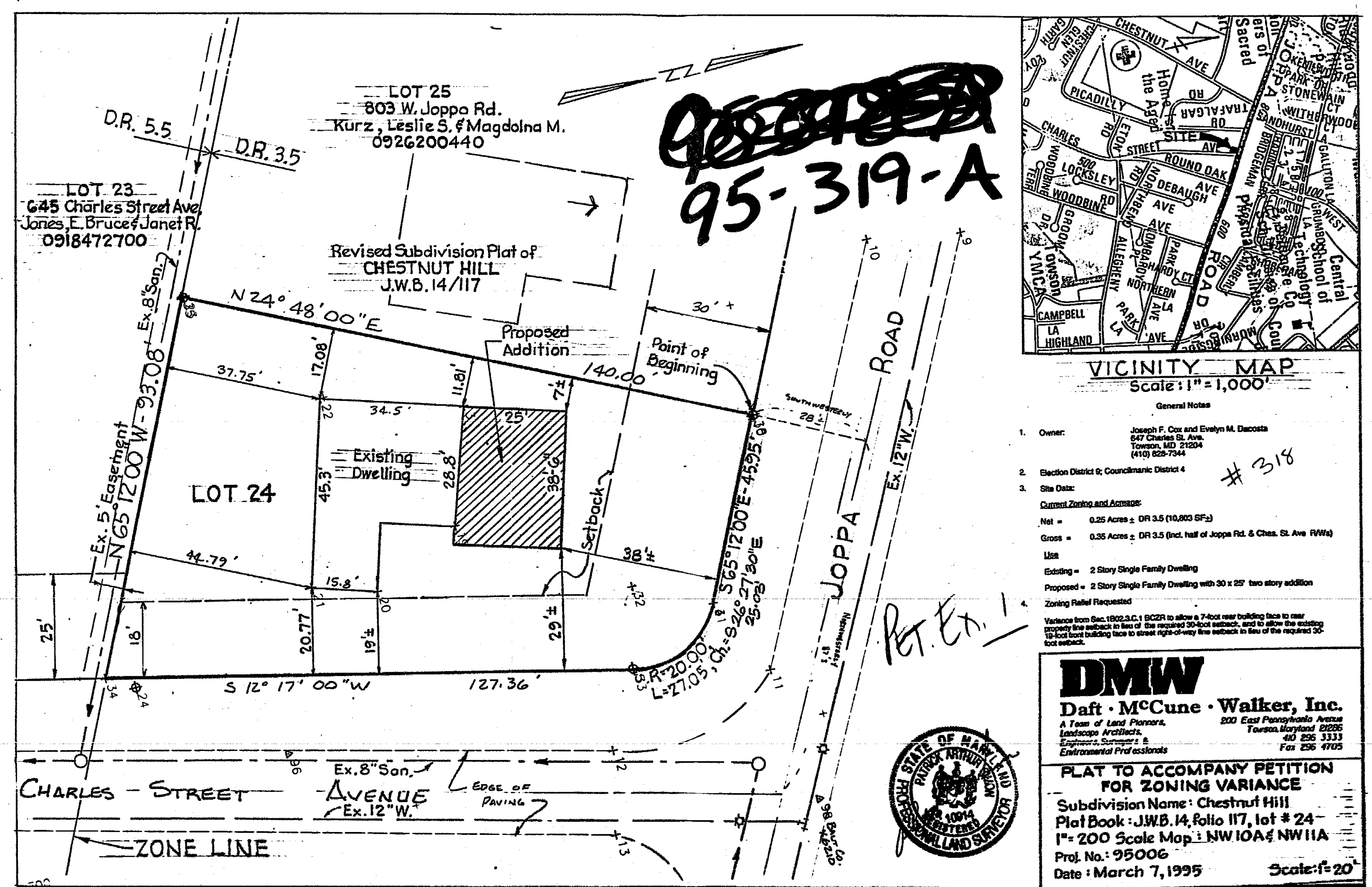
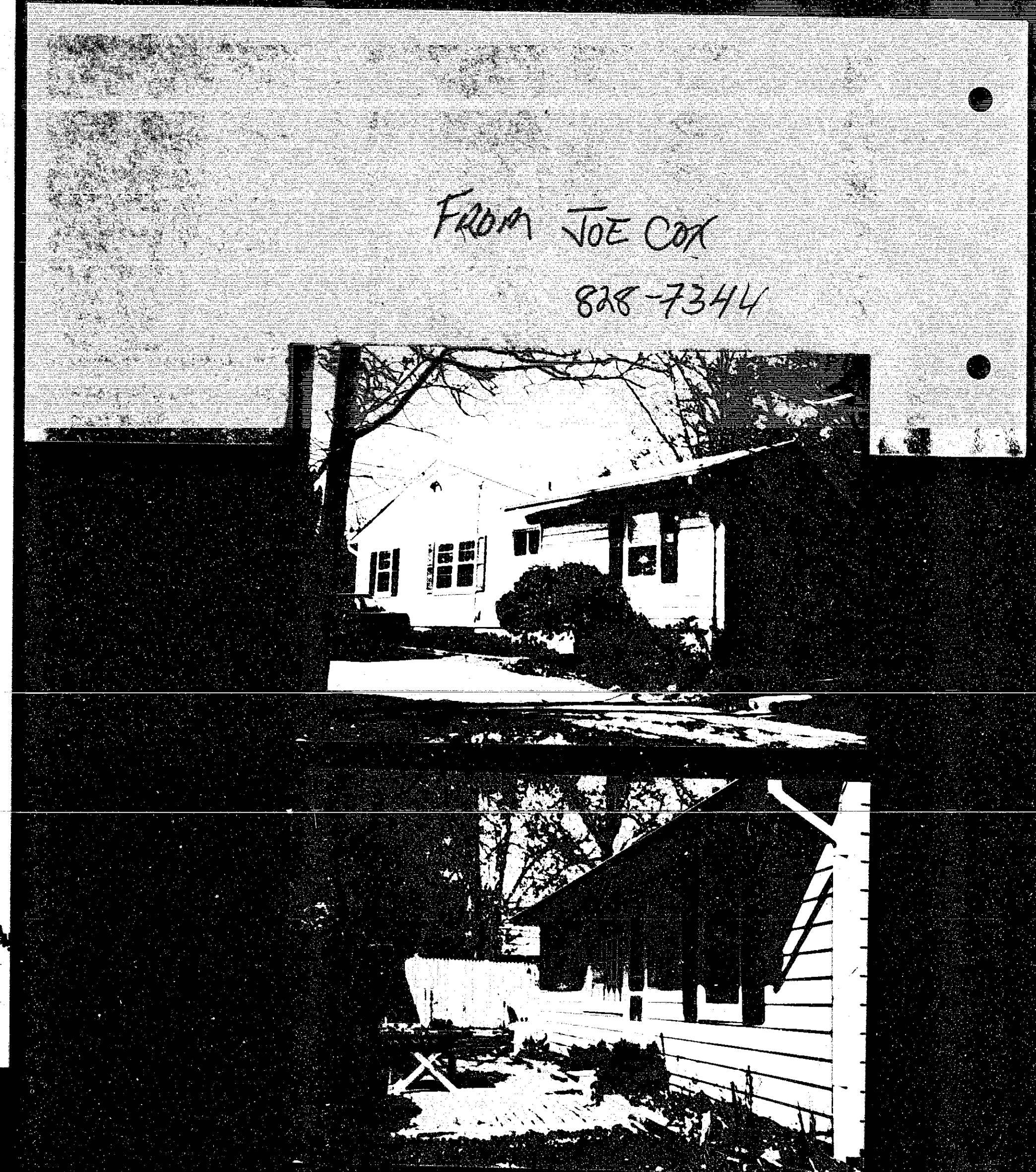
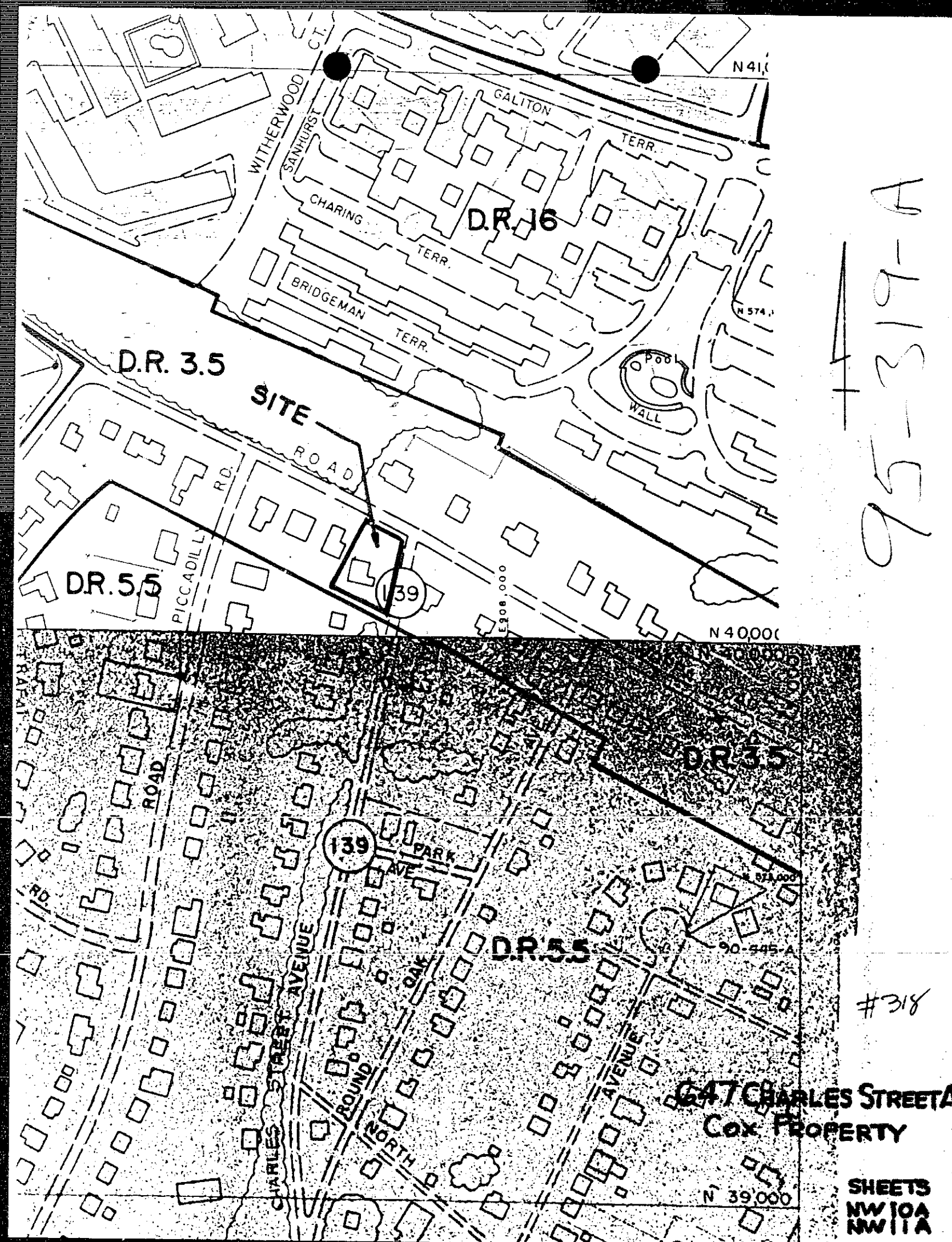
ITEM318/PZONE/ZAC1

Pg. 1

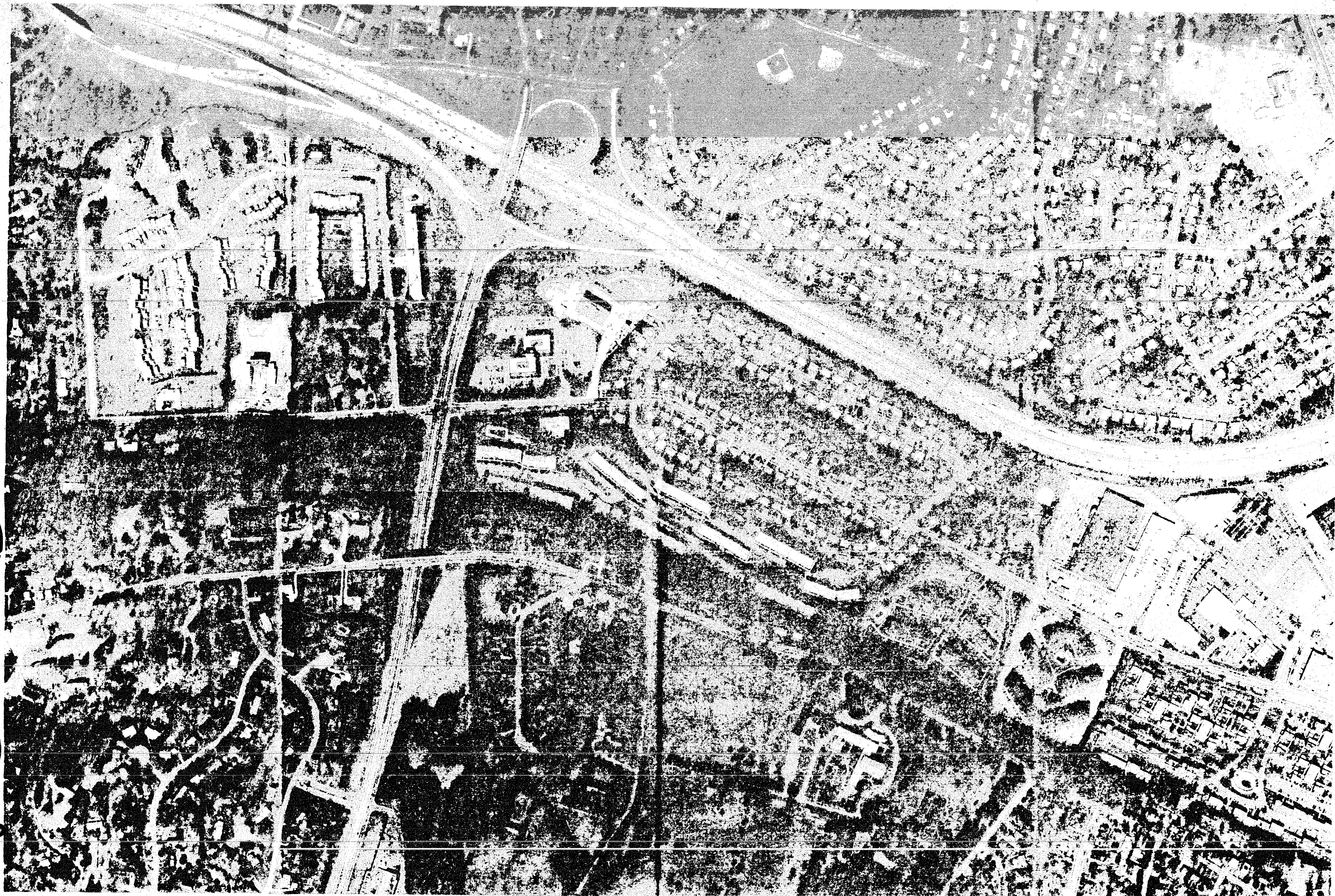
4/27/95
 Mr Cox called, I told
 him size of addition
 was a concern, He said this
 was for residential purposes
 I also note that although
 the addition increases the size of the
 bldg, it does not affect the variances,
 such the 19 ft front yard setback
 is existing, the rear yard
 is being changed from 11.81 to 7 feet
 OK to grant
 JCB

I reviewed this
 file, no statement
 of practical difficulty at
 all, no letters from
 neighbors, no pictures,
 I called Pet's to discuss,
 828-7344 is a Townson #,
 I got a machine "This
 is the office of Benchmark
 Commercial Property"-
 Is this for the site? -
 if so it's not a residential
 property, owner occupied
 Set in For Hearing

JCB
 4/17/95



95-319-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200'	647 CHARLES STREET AVE. Cox PROPERTY TOWSON	N.W. J1-A
DATE OF PHOTOGRAPHY JANUARY 1956		#318